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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/916,904	07/27/2001	George Bernhart	NC25583	8720
26352	7590	03/23/2005	EXAMINER	
THOMAS B. HAYES NOKIA INC. 6000 CONNECTION DRIVE MD 1-4-755 IRVING, TX 75039			LE, KAREN L	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 03/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/916,904

**Applicant(s)**

BERNHART, GEORGE

**Examiner**

Karen L Le

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Furuno (U.S. 5,724,667).

Regarding claims 1 and 3, Furuno teaches a method of deploying and retracting an ear piece (fig. 2, item 27) attached to a mobile phone (fig. 2, item 10), the method comprising the steps of:

producing a bias signal upon detection of the ear piece being deployed;  
coupling the bias signal to a bias signal port of the mobile phone; determining if an incoming call exist upon receiving the bias signal at the bias signal port; activating a communications channel if an incoming call exists (abs. Lines 6-12).

Regarding claims 2, 4 and 11, Furuno further teaches the method of deploying and retracting an ear piece attached to a mobile phone as recited in claim 1 further comprising the step of deactivating the communications channel upon retraction of the ear piece (col. 2, lines 33-37).

Regarding claim 5, Furuno further teaches a mobile communications device (Fig. 2, item 10) comprising:

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an attachable device having a deployable and retractable ear piece (Fig. 2, item 27) and at least one output node, the at least one output node comprising an output node containing a bias signal when the ear piece is deployed, and a mobile phone having at least one signal port, the at least one signal port includes a bias signal port electrically coupled to the at least one output node, the mobile phone activating a communications channel upon receiving an incoming transmission and the bias signal (col. 2, lines 18-37).

Regarding claim 6, Furuno further teaches the mobile communications device as wherein the attachable device further comprises an engagement slot (Fig. 2, item 26).

Regarding claims 7, 8 and 9, Furuno further teaches The mobile communications device (fig. 2, item 10) as recited in claim 6 further comprising:  
a support member having an engagement member for coupling with the engagement slot;  
at least one signal lead for electrically coupling to the at least one output node, the at least one signal lead comprises a signal lead electrically coupled the output node and the bias signal pod; and at least one latching mechanism (Fig. 2, items 26, 29 and 18).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furuno (U.S. 5,724,667) in view of Eromaki (US Pub. 2001/0031644).

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Regarding claim 10, Furuno does not teach the mobile communications device as recited in claim 5, wherein the attachable device further comprises:


a voltage source and a switch (Fig. 2, item 14), and the output node, the switch having a closed state when the ear piece is deployed and an open state when the ear piece is retracted (Col. 2, lines 1-6).

Furuno does not teach a friction wheel for deploying and retracting the earpiece. However, Eromaki teaches a portable electronic device has a user interface that is protected by a motorized slide. The device has a first slide which is moveable between positions in which it protects and exposes the user interface. The electronic device has a friction wheel applied to the electrical driving system. Friction wheel increases the force generated to move the moving part. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate eromaki's friction wheel into Furuno's portable telephone having removable transducer to allow deployment and retraction of an ear piece more effective.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen L Le whose telephone number is 703-308-4998. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
JACK CHIANG  
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen Le  
KLL

March 21, 2005